

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

REPUBLICAN NATIONAL COMMITTEE,
JORDAN JORRITSMA and EMERSON
SILVERNAIL,

Plaintiffs,

v.

JOCELYN BENSON, in her official capacity
as Michigan Secretary of State and
JONATHAN BRATER, in his official
capacity as Director of the Michigan Bureau
of Elections,

Defendants.

Case No. 1:24-cv-00262

Hon. Jane M. Beckering
Magistrate Judge Ray Kent

UNOPPOSED MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

The Democratic National Committee (DNC) seeks leave to file an *amicus curiae* brief in support of Defendants' motion to dismiss (ECF No. 18). As explained in the DNC's certificate of concurrence, which will be filed separately in compliance with LCivR 7.1(d), the DNC's motion for leave is unopposed. Plaintiffs consent and Defendants do not object to the motion.

The DNC is a "national committee" within the meaning of 52 U.S.C. § 30101(14) and represents a diverse group of Democrats within Michigan and across the country. The DNC's organizational purposes and functions include protecting the legal rights of voters, ensuring that eligible voters can easily register and vote. The DNC supports the active maintenance of voter rolls in conformity with the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA), which were enacted on a bipartisan basis and have, for decades, provided important safeguards to ensure that no eligible voter is improperly denied the right to vote. The DNC thus has a strong interest in this case. The DNC also brings a helpful perspective to this

case given its significant experience combatting previous efforts to undermine public confidence in our elections. Notably, the DNC participated in many of the over 60 lawsuits in 2020 in which conservative political candidates and organizations sought to cast doubt on election integrity and results. The DNC's experience allows it to provide insight into how this lawsuit fits into a broader attempt to reduce confidence in the 2024 elections.

“[P]articipation as an amicus” in district courts is “a privilege within ‘the sound discretion of the courts,’” which typically look to whether “the proffered information ... is timely, useful, or otherwise necessary to the administration of justice.” *United States v. Michigan*, 940 F.2d 143, 165 (6th Cir. 1991) (citations omitted); *see also Kollaritsch v. Michigan State Univ. Bd. of Trs.*, 2017 WL 11454764, at *1 (W.D. Mich. Oct. 30, 2017) (“A district court has broad discretion to allow the participation of *amici curiae* in a case.”). The DNC's proposed *amicus curiae* brief is timely, as this motion for leave is being filed before Plaintiffs have responded to Defendants' motion to dismiss. Thus, there is no prejudice to any party. The DNC's brief is also useful, as it provides the Court with additional information regarding: (i) the history of the NVRA and HAVA, (ii) deficiencies in Plaintiffs' allegations, including their flawed data analysis, and (iii) context surrounding these and similar election-related claims and litigation. The proposed brief supplements, rather than repeats, the arguments in Defendants' brief in support of their motion to dismiss (ECF No. 19). Moreover, because the lead plaintiff in this case is the Republican National Committee, it is especially useful to consider the views of the other major political party.

The DNC's proposed *amicus curiae* brief is attached as **Exhibit 1**, and a proposed order is attached as **Exhibit 2**. For the reasons above, the DNC respectfully requests that the Court grant its motion for leave and accept its *amicus curiae* brief for filing.

Date: May 6, 2024

Respectfully submitted,

/s/ Seth P. Waxman

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**Admission to W.D. Mich. pending*